

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

264J0501

### SENATE ENGROSSED NO. **SB 152** - 02/23/2004

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Duxbury, Dennert, Kooistra, Olson (Ed), and Symens and Representatives Hargens, Bartling, Begalka, Bradford, Burg, Elliott, Engels, Gassman, Gillespie, Glenski, Hanson, Hundstad, Kroger, Lange, Miles, Nesselhuf, Peterson (Jim), Sigdestad, Thompson, Valandra, Van Gerpen, and Van Norman

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Education to enter into  
2 certain agreements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Department of Education may enter into agreements with the responsible  
5 parties from the state of North Dakota for the purpose of allowing an open enrollment policy  
6 between South Dakota and North Dakota.

7 Section 2. An agreement entered pursuant to this Act shall specify the following:

- 8 (1) For students who are not residents of South Dakota, the open enrollment policy  
9 applies only to students whose school district borders South Dakota;
- 10 (2) If North Dakota open enrolls more students into South Dakota than South Dakota  
11 open enrolls into North Dakota, North Dakota shall pay South Dakota an agreed upon  
12 amount for the net number of students open enrolled into South Dakota; and
- 13 (3) If South Dakota open enrolls more students into North Dakota than North Dakota



1           open enrolls into South Dakota, South Dakota shall pay North Dakota an agreed upon  
2           amount for the net number of students open enrolled into North Dakota.

3           Section 3. An agreement entered into pursuant to this Act may specify additional terms for  
4           students who may be subject to the provisions of chapter 13-37.

5           Section 4. For the purpose of state aid to education distributed pursuant to chapter 13-13,  
6           students open enrolled into South Dakota are included in the receiving school district's average  
7           daily membership.

8           Section 5. For the purpose of state aid to education distributed pursuant to chapter 13-13,  
9           students open enrolled into North Dakota from South Dakota are not included in the resident  
10          school district's average daily membership.

11          Section 6. The Department of Education may promulgate rules pursuant to chapter 1-26 to  
12          provide for open enrollment between states pursuant to this Act.